

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Criminal Action No. 99-62-1-JJF
v.	:	Civil Case No. 04-261-JJF
	:	
KAMORU SALAWU,	:	
	:	
Defendant.	:	

**RESPONSE OF UNITED STATES TO DEFENDANT’S MOTION
FOR STAY OF DEPORTATION PENDING
COURT OF APPEALS’ DECISION ON RECALL OF MANDATE**

In his motion for “Bail/Stay of the Petitioner’s Deportation, or Release Pending Appeals Court Decisions on Recall of Mandate” the defendant requested that this Court either grant him bail or stay his deportation pending the resolution of his “Motion to Recall Mandate” before the Third Circuit Court of Appeals. By Order dated June 17, 2005, this Court denied the defendant’s request for bail and ordered the Government to file a response to the defendant’s request for a stay of deportation because the Court did “not have any information regarding the status of the Defendant insofar as deportation is concerned.” This is the Government’s response.

Upon receiving the Court’s Order, the Government contacted the Bureau of Immigration and Customs Enforcement (“ICE”) to ascertain the defendant’s deportation status. According to Special Agent Keith Williams of ICE, agents from ICE have interviewed the defendant in prison, and ICE has lodged a detainer against the defendant with the prison in Arlington, Virginia where the defendant is currently being held. However, no deportation proceedings have begun and no

deportation order has been entered against the defendant. Based on these facts, the defendant's request for a stay of deportation is premature and should be denied.¹

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/
Beth Moskow-Schnoll
Assistant United States Attorney

Dated: June 23, 2005

¹ The defendant's request also should be denied as moot because, on March 11, 2005, the Court of Appeals denied the defendant's "Motion to Recall Mandate" (and this Court has denied his Section 2255 petition).

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KAMORU SALAWU,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Beth Moskow-Schnoll, Assistant United States Attorney for the District of Delaware, hereby certify that on June 24, 2005, I caused the mailing of two copies of the foregoing document:

RESPONSE OF UNITED STATES TO DEFENDANT'S MOTION
FOR BAIL/STAY OF DEPORTATION, OR RELEASE PENDING
COURT OF APPEALS' DECISION ON RECALL OF MANDATE

TO: Kamoru Salawu
Arlington County Adult Detention Facility
1435 N. Courthouse Road
Arlington, VA 22201

_____/s/_____
Beth Moskow-Schnoll
Assistant United States Attorney